

R E M A R K S

Claims 1, 4, 5, 20, 21, 29 and 58 are pending in the application with claims 1, 4, 20, and 58 having been amended, claim 2 having been cancelled, and claims 3, 6-19, 22-28, 30-57, and 59 having been withdrawn from further consideration. Of the claims still under consideration, claims 1 and 58 are the independent claims. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections

Claims 1-2, 4-5, 20-21, and 58 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,658,415 B1 (“Brown”). Applicants hereby indicate their intention to file a terminal disclaimer upon withdrawal of all other outstanding rejections.

Claims 1-2, 4-5, 20-21, 29 and 58 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,850,899 B1 (“Chow”). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 58

Amended independent claim 1 describes a method for electronic shopping comprising receiving a rule and receiving an instruction from a consumer to associate an item with an electronic shopping cart. In response to the instruction, and based on the rule, it is automatically determined that the item is not allowed to be associated with the electronic shopping cart. A consumer is then automatically presented with an indication that the item is not allowed to be associated with the electronic shopping cart.

According to some embodiments of amended claim 1, and as described in the present application, a consumer accesses a web page of an online store. The web page includes details concerning an item such as a video game with a price of \$39.99. The consumer operates a web browser so as to select an icon of the webpage related to the video game. The selection of the icon may be considered an instruction to associate the item with an electronic shopping cart. At S1 of FIG. 1, the instruction is received and, in response to the instruction, it is automatically

determined that the item is not allowed to be associated with the shopping cart as shown at S2 of FIG. 1. The determination is based on a rule indicating a maximum price of \$30. Consequently, and as illustrated in FIG. 5, an indication of the determination is automatically transmitted to the consumer. This method may facilitate the prevention of purchasing particular items.

The art of record is not seen to disclose or suggest the above features of independent claim 1. In particular, the art of record is not seen to disclose or suggest receiving a rule, receiving an instruction from a consumer to associate an item with an electronic shopping cart, automatically determining based on the rule and the instruction that the item is not allowed to be associated with the electronic shopping cart, and automatically presenting an indication to the consumer that indicates that the item is not allowed to be associated with the electronic shopping cart.

Chow describes a process and apparatus for online purchases using a rule-based transferable shopping basket. Chow, at column 1 lines 16 through 18, describes two types of entities, buyers and shoppers. Chow states “shoppers browse Websites for products they are interested in purchasing, but buyers make the actual purchase”. After selecting desired products for purchases, a shopper selects a “Notify Approver” button (see FIG. 4). In response, an email is sent to the buyer to notify the buyer that the shopper has finished shopping. The buyer may then review the selected products, remove and/or add products, and purchase the items by selecting a “Proceed To Checkout” button (see FIG. 3). Regardless of the buyer’s actions, the shopper is never automatically presented with any indication that a product is not allowed to be associated with a shopping cart.

Accordingly, nowhere can Chow be seen to disclose or suggest receiving a rule, receiving an instruction from a consumer to associate an item with an electronic shopping cart, automatically determining based on the rule and the instruction that the item is not allowed to be associated with the electronic shopping cart, and automatically presenting an indication to the consumer that indicates that the item is not allowed to be associated with the electronic shopping cart.

In view of the foregoing, amended independent claim 1 is believed to be in condition for allowance. Claims 4, 5, 20, and 21 depend from claim 1 and are therefore also believed to be allowable for at least the foregoing reasons.

Amended independent claim 58 relates to an apparatus roughly corresponding to the method of claim 1. Accordingly, for at least the foregoing reasons, amended independent claim 58 is believed to be in condition for allowance.

C O N C L U S I O N

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed by this response. Applicants do not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4981.

Respectfully submitted,



January 18, 2006

Date

Richard S. Finkelstein
Registration No. 56,534
Buckley, Maschoff & Talwalkar LLC
Attorneys for IBM Corporation
Five Elm Street
New Canaan, CT 06840
(203) 972-4981